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at 3 p.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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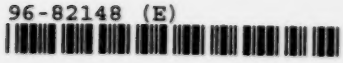

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/53/3 (Parts I and II), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 290, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and 2, 552, 555, 558, 561, 641 and 650; A/C.3/51/6)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. BERGH (South Africa), speaking on behalf of the countries members of the Southern African Development Community (SADC), said that those countries wished to stress the importance they attached to international efforts for the protection and promotion of all human rights, since their own histories had taught them that tyranny and dictatorship were the enemies of peace and development.

2. The right to development was one of the most important human rights, transcending both civil and political rights and economic, social and cultural rights and standing at the nexus formed by democracy, development and respect for human rights. At its most recent session, the Commission on Human Rights had, for the first time, reached a consensus on the right to development; the High Commissioner for Human Rights had also acknowledged its importance by allocating substantial resources to it in his restructuring proposals.

3. The SADC countries remained concerned about protectionism, unfair trade practices and the debt burden and therefore supported initiatives that approached the right to development in a systematic, comprehensive manner. While the State had a primary role to play in the development process, another important component was good governance, coupled with international cooperation.

4. It would be an immense task to ensure that all human rights, especially economic and social rights, became a reality for all people. As long as Governments continued to violate their citizen's fundamental rights and freedoms and failed to abide by their international obligations, such a goal would never be achieved. The SADC countries called for full and immediate compliance with international human rights instruments and an immediate end to grave human rights violations.

5. SADC was concerned at the massive violations of human rights and humanitarian law occurring in the Great Lakes region of Africa. There was a need to increase preventive action and to encourage the authorities concerned to engage in a meaningful dialogue with a view to finding durable political solutions to the problems in the region.

6. He called on States to support the Voluntary Fund for Technical Cooperation in the Field of Human Rights, since the volume of new requests indicated that the technical cooperation programme of the Centre for Human Rights would continue to expand. Considerable progress had been made in the area of field operations and technical assistance programmes, and an increase in resources was essential.

7. The twentieth session of the African Commission on Human and Peoples' Rights, held in October 1996, had adopted a resolution on measures to strengthen the African Commission and establish an African court of human and peoples' rights.

8. The SADC countries had noted the High Commissioner's comments regarding the restructuring of the Centre for Human Rights and, as a matter of principle, supported efforts to improve the Centre's efficiency in enhancing the promotion and protection of human rights.

9. Mr. PLORUTTI (Argentina) said that the approaching fiftieth anniversary of the Universal Declaration of Human Rights afforded an opportunity for the international community to reaffirm its commitment to the cause of human rights and renew its efforts to ensure that all Member States gave practical effect to the principles enshrined in the Declaration. It was regrettable that, despite the progress made in the promotion and protection of human rights and fundamental freedoms, millions of people were still denied those rights and freedoms.

10. Argentina had consolidated its democracy, given constitutional status to eight human rights treaties and established the primacy of international agreements over domestic law. A number of national and local human rights mechanisms had been created.

11. His delegation wished to draw attention to the fact that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had so far been ratified by only some 100 States. The General Assembly should urge all States which had not yet done so to ratify the Convention. It was important to work for the prevention of torture as well as its punishment. The working group of the Commission on Human Rights which was engaged in the elaboration of a draft optional protocol to the Convention intended to establish a preventive system of visits to places of detention was endeavouring to reconcile various national positions while maintaining intact the basic principles of regular and ad hoc visits to detention centres, participation of experts in missions and the integrity of the text to be adopted.

12. Turning to the right to development, his delegation regretted the differences in levels of development among and within States, in particular, the phenomenon of social marginalization, social injustice and growing poverty. All human rights, whether civil and political or economic, social and cultural,

should be enjoyed equally by all. Lack of development in a society could not be used to justify the denial of other human rights. Argentina had carried out a profound transformation of its economy, opening it up to the world market and carrying forward the process of economic integration within the Southern Common Market (MERCOSUR), in an effort to promote trade and development and improve its population's standard of living.

13. His delegation strongly supported the High Commissioner for Human Rights. The past 50 years had shown that the promotion and protection of human rights required institutions, legal instruments and financial support and that good intentions alone were not enough. In order to be able to take early action to prevent human rights violations, the High Commissioner needed the support of an effective and efficient Centre for Human Rights. Accordingly, in the context of the restructuring of the United Nations and within existing resources, the budget for human rights activities should be increased.

14. His delegation was deeply concerned at the human rights situation in the various States under consideration by the Committee and in all other parts of the world where grave human rights violations were taking place and where new and dangerous types of conflict had arisen. Any violation of human rights was a direct threat to peace. While interpretations differed as what precisely was meant by human rights, differences in historical, cultural or religious traditions could not be invoked as a valid argument for ignoring the universality and indivisibility of human rights. Cooperation, not confrontation, was needed among States in order to eradicate the causes of violations of fundamental human rights.

15. Mr. ROHAN (Austria) said that as host country to the 1993 World Conference on Human Rights, Austria was particularly committed to the comprehensive implementation of all its recommendations. One of the most visible achievements of the World Conference had been the establishment of the post of United Nations High Commissioner for Human Rights. The High Commissioner had developed a clear vision for the future development of the United Nations human rights programme: making the universality of human rights a reality, reacting effectively to urgent crises and preventing human rights violations. Nevertheless, grave human rights violations continued to occur daily in all parts of the world. Every Government had the responsibility to honour its obligations in the field of human rights.

16. His delegation fully supported the High Commissioner's pleas to make the fiftieth anniversary of the Universal Declaration of Human Rights, in 1998, a major event for the United Nations system and for the international community in general. The anniversary would be an appropriate occasion to review the progress made in implementing the Vienna Declaration and Programme of Action and to mobilize and involve civil society the world over in the promotion of human rights. The representatives of non-governmental organizations (NGOs) should be able to participate in the customary commemorative plenary meeting, at which all States should reaffirm their unwavering commitment to the full implementation and observance of the Universal Declaration and of all human rights.

17. The five-year review of the Vienna Declaration and Programme of Action should be a comprehensive, substantive process undertaken within the broader context of the coordinated follow-up to recent international conferences. The

Economic and Social Council had endorsed the recommendation of the Commission on Human Rights that part of its 1998 substantive session should be devoted to the question of the coordinated follow-up to the Vienna Declaration, with the primary objective of further promoting the mainstreaming of human rights throughout the United Nations system and strengthening the system-wide coordinating role of the High Commissioner for Human Rights.

18. The individual was central to human rights issues, both as a beneficiary and as a key player. He therefore hoped that all sectors of civil society, non-governmental organizations and human rights advocates the world over would participate fully in the preparations for the fiftieth anniversary of the Universal Declaration. National initiatives should be consolidated into regional and global networks in order to facilitate the exchange of ideas and the coordination of activities. The mobilization of the entire human rights community and of hundreds of non-governmental organizations for the World Conference could serve as a model in that regard. A strong partnership between Governments, the High Commissioner, the entire United Nations system, regional and national human rights institutions and non-governmental organizations, experts and academics would ensure the success of events in 1998. His country looked forward to playing a constructive role in that process.

19. Mrs. RAJAONARIVELO (Madagascar) said that her country saw the Vienna Declaration and Programme of Action as a guide for efforts to promote development and combat poverty. In the context of the Decade for the Eradication of Poverty, her Government had set itself the goal of adopting short-, medium- and long-term strategies for the eradication of poverty. Her country particularly welcomed UNDP efforts to build Madagascar's capacity for development by promoting employment and sustainable means of subsistence, the empowerment of women, the preservation and regeneration of the environment and the establishment of an enabling political environment in which resources and opportunities were distributed fairly and individuals were to be able to participate in decision-making which affected their lives.

20. The 1992 Constitution had incorporated the major human rights instruments into domestic law. Her Government was working to increase its cooperation with the Contracting State on Human Rights, with a view to implementing the programme of technical assistance for the promotion, protection and better application of human rights in Madagascar. As a part to all the principal human rights instruments, her country fulfilled the conditions for receiving financial assistance and technical support from the United Nations in the field of human rights. She renewed her Government's appeal for an evaluation mission from the Centre for Human Rights to visit Madagascar after the presidential elections, in order to determine what assistance was necessary for the implementation of a public education programme which would ensure the widest possible dissemination of a human rights culture.

21. In view of the importance of tolerance and education in promoting a culture of peace, her delegation welcomed the lead role played by UNESCO and its national committees in organizing the United Nations Year for Tolerance in 1995. Her delegation hoped that the human rights concerns expressed at recent international conferences would be taken to heart and that practical measures would be taken to ensure universal respect for justice, law, human rights and fundamental freedoms for all.

22. Ms. AL-AWADI (Kuwait) said that Kuwait demonstrated its concern for human rights at the local level by providing essential services for all, regardless of gender, colour or religion. Her country was particularly concerned with human rights in view of the suffering which had been caused by the Iraqi invasion. The flagrant violations of human rights perpetrated during the Iraqi occupation had had a negative social and psychological impact on all levels of society and had undermined the economy. The Special Rapporteur on the situation of human rights in Iraq had mentioned in his report (A/51/496 and Add.1) that Iraq had cooperated with United Nations humanitarian agencies, but that did not alter the fact that Iraq remained entirely responsible for the fate of more than 600 non-Iraqi prisoners and detainees whose cases had still not been resolved. The Committee should urge Iraq to take genuine steps to release those prisoners. The fact that the Special Rapporteur had also reported an increase, rather than a decrease, in human rights violations in Iraq was disquieting and called for action by the international community.

23. Kuwait made every effort to promote human rights by participating in regional and international conferences and by supporting development through United Nations and other bodies. It had placed great hopes in the Dayton Peace Agreements and supported the International Tribunal on the former Yugoslavia. It was prepared to participate in all future international gatherings concerned with human rights and to cooperate with the relevant United Nations bodies and non-governmental organizations, in the hope that respect for human rights would be strengthened in all parts of the world.

24. Mrs. SYAHRUDDIN (Indonesia) said that her delegation agreed with the need to restructure the Centre for Human Rights. However, it felt that the General Assembly should have been given the opportunity to debate restructuring proposals before any action was taken. Any changes at the Centre would have long-term consequences and should therefore be made after due deliberation and proper scrutiny in intergovernmental forums.

25. Her delegation believed that the approach taken to the right to development should be guided by the Vienna Declaration and Programme of Action and by the Declaration on the Rights to Development. Too little attention was being paid to the international context of the right to development. She recalled that, according to the Declaration on the Right to Development, States had the duty to cooperate with each other in ensuring development and eliminating obstacles to development.

26. Her delegation was unable to endorse any measures that would, in effect, transform the Centre for Human Rights from a body that existed to serve sovereign Member States into an independent body. She noted that the fundamental principles governing the High Commissioner's activities were laid out clearly in General Assembly resolution 48/141.

27. Ms. SAIGA (Japan) said that her Government was committed to the promotion and protection of human rights throughout the world and condemned all forms of discrimination and intolerance. Concern should be expressed whenever civil and political rights were infringed, because they were essential for the democratic development of States. Dialogue with the countries concerned was the most effective way to encourage States to safeguard those rights. Economic, social and cultural rights were equally important and should be recognized increasingly

as States developed. The right to development was an important human right and should be kept in mind when considering the promotion and protection of human rights in general.

28. Under its "Partnership for Democratic Development" initiative, Japan hoped to provide assistance for institution building and human resources development that would include technical cooperation in establishing legal systems, training police and administrative personnel and developing the mass media. The purpose of the initiative was to foster the development of democracy, which was essential to ensuring lasting respect for human rights. In supporting the activities of the Centre for Human Rights, Japan had made substantial annual contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and hoped that more countries would follow suit. The Centre should take steps to enhance its activities and improve the information that it provided on its financial situation, in order to ensure a steadier flow of technical cooperation.

29. It was regrettable that economic, social, cultural, civil and political rights were being violated in many countries. Japan would continue to express its concern about the human rights situation in such countries as Afghanistan, Burundi, Cuba, Haiti, Iran, Iraq, Myanmar, Nigeria, Rwanda and the Sudan and in the former Yugoslavia. Since the ultimate goal of the General Assembly's discussions on the human rights situation in specific countries should be to promote human rights, its resolutions should reflect the situation in those countries accurately and should balance criticism with an acknowledgement of any positive steps that had been taken, in order to encourage further efforts.

30. Japan commended the central role played by the United Nations in coordinating international human rights activities and appreciated the tireless efforts of the High Commissioner to promote respect for human rights. The use of special rapporteurs and independent experts was the best way to establish the facts in situations involving human rights violations. Japan therefore urged those countries which had been unwilling to cooperate with special rapporteurs to reconsider their position and allow them to discharge their responsibilities.

31. Member States should provide the Office of the High Commissioner for Human Rights and the Centre for Human Rights with the necessary funding and personnel to enable them to cope with their growing responsibilities. Regional cooperation was also indispensable in addressing human rights issues. Accordingly, annual symposiums were to be held in the Asian and Pacific region in order to promote cooperation on that very important issue.

32. Mr. KULLA (Albania) said that it was disturbing to note that human rights violations were being perpetrated with impunity in various parts of the world, particularly in internal armed conflicts. Albania called for the full implementation of the human rights provisions set forth in the General Framework Agreement for Peace in Bosnia and Herzegovina and hoped that the international community would continue its support for that country's institutions, including those dealing with human rights. In that connection, he underscored the need for vigilance concerning the implementation of the right of refugees and internally displaced persons to return to their homes. His delegation supported the efforts of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, the Centre for Human Rights, the

Organization for Security and Cooperation in Europe (OSCE) and other regional institutions and called for their full cooperation with those organizations by all the parties concerned. It also supported the work of the International Tribunal on the former Yugoslavia and all efforts to bring to trial persons indicated by the Tribunal.

33. Violations of the human rights of ethnic Albanians living in Kosovo remained serious. Repression by the serbian authorities had involved the killing of ethnic Albanians, the systematic use of torture, arbitrary arrest and detention, mistreatment of political and human rights activists and the suppression of efforts to promote education in the Albanian language. The massive violations of the rights of ethnic Albanians and the acts of repression by the Serbian police were occurring at a time when efforts were being made to settle Serbs from other parts of the former Yugoslavia in Kosovo.

34. His Government commended the United Nations for its efforts to restore normal conditions in Kosovo and ensure international monitoring of the situation there. The authorities of the Federal Republic of Yugoslavia should comply without further delay with General Assembly resolutions 49/204 and 50/190 on the situation of human rights in Kosovo and allow the unconditional return of the OSCE mission to Kosovo and the establishment of an international presence for monitoring the human rights situation there.

35. Mr. COPITHORNE (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) recalled that, in 1995, he had received an invitation from the Government of the Islamic Republic of Iran to visit that country. The Government had also extended invitations to the Special Rapporteur on the question of religious intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. He expressed appreciation to the Iranian authorities for their full cooperation on the occasion of his visit to that country in February 1996. He hoped to visit the Islamic Republic of Iran again in the coming months, after which he would be in a much better position to assess the situation of human rights in that country. In the meantime, he had not had an opportunity to discuss the content of his most recent report with the Iranian authorities or to verify any information independently. Nevertheless, there were a wide range of other sources available to him, including press material, and it was on that basis that he had reached an interim conclusion as to the direction that human rights seemed to be taking in the Islamic Republic of Iran.

36. He reiterated his belief that the Islamic Republic of Iran was a dynamic society, with change to be found in sometimes unexpected places. He had been informed that the country's parliament had voted to create a commission on women's affairs, two thirds of whose members were to be women. Also, during a visit by the Director-General of UNESCO to Tehran, a senior government official had asked for assistance in improving the educational levels of Iranian women in the areas of science and culture. He would be following developments in the situation in that respect. In October 1996, he had been informed that 224 prisoners had benefited from a clemency decree and that some 150 Iraqi prisoners of war had been released unilaterally by the Iranian Government. With regard to refugees, it had been reported in the press that, as a result of political disturbances in northern Iraq, large numbers of Kurdish refugees had entered Iranian territory. Although no information was available as to the exact number

of such refugees currently in the Islamic Republic of Iran, it was clear that the refugee burden on that country had once again grown. A number of his inquiries and requests for information over the past six months had received responses from the Iranian Government which would be reflected in his next report to the Commission on Human Rights.

37. Human dignity as expressed in the political culture of a society was a key indicator of the human rights environment in that society. Every death, every act of torture and every indignity carried out in the name of the State diminished its Government and, indeed, all humankind. The international community and its individual members, could speak of progress only when human dignity, particularly the dignity of life, was widely and generally respected. All peoples in all nations of the world deserved benevolent leadership, but some had never known that quality in their leaders and some leaders failed to understand its central importance in a system of humane governance.

38. He drew attention to the importance of fostering a dialogue with the Iranian Government. He believed that there was a demand for change in the country as a whole and that that prospect should be encouraged. He urged members of the Committee to recognize the cooperation that the Iranian Government had extended to his mandate thus far and to note that there was every indication that that cooperation would continue.

39. Mr. AL-HUMAIMIDI (Iraq), speaking in exercise of the right of reply to the statement by the representative of Kuwait, said that there were no prisoners of war or detainees in Iraq. There were, however, a number of missing persons, and his Government was cooperating fully with the International Committee of the Red Cross in attempting to locate them. The issue of missing persons was a humanitarian one, and his Government had no stake in concealing any information. As for allegations of human rights violations in Iraq, the motives of the Kuwaiti delegation were well known, but it was surprising that the representative of Kuwait should be shedding crocodile tears over the plight of the Iraqi people. Kuwait had been instrumental in preventing any resolution of the situation that might alleviate the pressure on Iraq. The representative of Kuwait would do better to endeavour to improve the situation of human rights in her own country: it was well known that Kuwait prevented the participation of women in public life.

40. Referring to a statement made at an earlier meeting by the representative of Australia that had contained allegations about the human rights situation in Iraq, he said that such allegations were motivated by political considerations which had nothing to do with human rights; they were not based on any real evidence and they lacked balance. The statement in question should have referred to the positive developments that had taken place recently in Iraq, such as amnesties and democratic elections; it had also overlooked the inhuman consequences of the continued economic blockade against Iraq.

41. The report of the Special Rapporteur on the situation of human rights in Iraq had been based on falsified information supplied to the Special Rapporteur by certain parties that hated Iraq. He hoped that other States would not fall victim to such misinformation campaigns.

42. Ms. AL-AWADI (Kuwait), speaking in exercise of the right of reply, recalled that the Secretary-General, in his report on the work of the Organization (A/51/1), had expressed great concern at the fact that more than 600 Kuwaiti and third-country nationals were still missing in Iraq, and had called upon Iraq to comply fully with its obligations in that regard. He had also deplored the fact that the easing or lifting of sanctions was being blocked by Iraq's continuing failure to comply with a number of obligations in the relevant Security Council resolutions. As for the political rights of women in Kuwait, the representative of Iraq was the last person to talk about human rights.

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/C.3/51/L.7/Rev.1)

Draft resolution A/C.3/51/L.7/Rev.1 on measures for prevention of the smuggling of aliens

43. The CHAIRMAN announced that the draft resolution had no programme budget implications.

44. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, underscored the importance of ensuring the protection and humanitarian treatment of migrants. The sponsors, who had been joined by Guatemala, hoped that the draft resolution would be adopted by consensus.

45. Draft resolution A/C.3/51/L.7/Rev.1 was adopted without a vote.

AGENDA ITEM 105: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/51/L.12/Rev.1)

Draft resolution A/C./51/L.12/Rev.1 on follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

46. The CHAIRMAN announced that the draft resolution had no programme budget implications. The sponsors had been joined by Austria, Belgium, Canada, Denmark, Finland, France, Greece, Italy, Iceland, Japan, Luxembourg, Netherlands, Portugal, Spain, Sweden, The former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland.

47. Mr. NIKIFOROV (Russian Federation), introducing the draft resolution on behalf of the sponsors, expressed the hope that it would be adopted by consensus.

48. Mr. KULYK (Ukraine), speaking in explanation of position before the adoption of the draft resolution, reiterated his country's support for the principles and purposes set forth in the Programme of Action adopted at the Regional Conference. Ukraine strongly believed that the results of the Conference constituted a solid basis for effective follow-up action by all parties concerned and supported all the efforts already made. His country was ready to work to ensure the full implementation of the Programme of Action, which represented a delicate balance of the interests and obligations of all the

countries that had participated in the Conference. Nevertheless, Ukraine regretted that it had been unable to sponsor the draft resolution under consideration because it could not accept provisions that failed to take account of its national legislation, which was still being developed. It hoped that, in preparing future decisions on follow-up activities to the Conference, the States concerned would find comprehensive solutions that accommodated the interests of the parties involved and avoided reformulating provisions that had been agreed upon at the Conference.

49. Draft resolution A/C.3/51/L.12/Rev.1 was adopted without a vote.

50. Mr. PASHAYEV (Azerbaijan), speaking in explanation of position after the adoption of the draft resolution, said that his Government attached great importance to the decisions taken at the Regional Conference, since there were 1 million refugees and involuntarily displaced persons in Azerbaijan as a result of the aggression by the Republic of Armenia and its continuing occupation of 20 per cent of Azerbaijan's territory. The implementation of the decisions of the Regional Conference, particularly with regard to the adoption of measures to eliminate the causes of involuntary displacement and facilitate the speedy return of refugees and displaced persons to their places of permanent residence, was very important. Responsibility for delays in that regard rested with the States that had brought such involuntary movements. The international community must exert all necessary pressure on those countries, including political, economic and other measures. Humanitarian assistance from the international community would be vital for the survival of millions of refugees and displaced persons until such time as political solutions were found to a number of inter-State conflicts in the Commonwealth of Independent States.

51. Azerbaijan had not sponsored the draft resolution because it contained paragraphs on which his country had expressed reservations during the discussion of the Programme of Action at the Conference. Those reservations had not been taken into account, but in view of the importance of the problem of refugees and displaced persons and in order to display a constructive approach, Azerbaijan had not opposed the adoption of the Programme of Action. Taking into account the substantial quantitative and qualitative differences between the needs of individual countries, his Government had felt that separate programmes for humanitarian assistance and assistance with recovery and development should be implemented for each country, rather than administered by a supranational structure established within the framework of the Commonwealth of Independent States for the distribution or redistribution of humanitarian and other forms of assistance. Lastly, he hoped that the international community and, in particular, the States sponsoring the draft resolution would spare no effort in carrying out their obligations with respect to follow-up activities to the Conference and would do their utmost to ensure the speediest possible return of refugees and displaced persons to their homes.

Draft resolution A/C.3/51/L.13/Rev.1 on assistance to refugees, returnees and displaced persons in Africa

52. The CHAIRMAN announced that the draft resolution had no programme budget implications.

53. Mr. TAWAH (Cameroon), introducing the draft resolution on behalf of the Group of African States, said that it paid tribute to the work of the United Nations High Commissioner for Refugees and her staff and to those African States which were providing assistance and protection for large numbers of refugees. It urged the international community to continue to fund the general refugee programmes of the Office of the United Nations High Commissioner for Refugees, taking into account the substantially increased need of programmes in Africa, particularly in the Great Lakes region. The sponsors hoped that the draft resolution would be adopted by consensus.

54. Draft resolution A/C.3/51/L.13/Rev.1 was adopted.

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued) (A/C.3/51/L.18/Rev.1)

Draft resolution A/C.3/51/L.18/Rev.1 on traffic in women and girls

55. The CHAIRMAN announced that the draft resolution had no programme budget implications.

56. Mrs. LIMJUCO (Philippines) announced that the sponsors had been joined by Austria, Burkina Faso, Burundi, Germany, Ghana, Malaysia, Norway, Pakistan, Portugal, Spain, Sweden, The former Yugoslav Republic of Macedonia and Zambia. She read out a number of corrections to the draft resolution.

57. The CHAIRMAN noted that the delegations of Cameroon, El Salvador, Greece, Hungary, Italy, Kenya, Nigeria, Sri Lanka, Thailand and Ukraine also wished to become sponsors.

58. Draft resolution A/C.3/51/L.18/Rev.1, as orally revised, was adopted.

AGENDA ITEM 107: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/C.3/51/L.30)

Draft resolution A/C.3/51/L.30 on the International Decade of the World's Indigenous People

59. Mr. BUTLER (Australia), introducing the draft resolution on behalf of the sponsors, said that Cyprus, Guatemala, New Zealand, Nicaragua, Spain and Uruguay had also become sponsors. The draft resolution was an affirmation by the General Assembly that Member States were committed to addressing the concerns of indigenous people. It sent an important, positive signal to indigenous people around the world.

60. The following changes had been made to the text of the draft resolution: in paragraph 5, the word "meetings" in the third line had been replaced by "sessions" and the words "United Nations declaration on the rights of indigenous peoples" had been placed in quotes; at the end of paragraph 15, the words "in order to assist indigenous representatives to participate in the Working Group on Indigenous Populations and the working group charged with elaborating a draft declaration" had been added after the word "Populations"; and a new paragraph 20, the wording of which had already appeared in General Assembly resolution 50/157, had been added as follows: "Encourages Governments to consider contributing, as appropriate, in support of the achievement of the

goals of the Decade, to the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean;*. Existing paragraph 20 had been renumbered as paragraph 21.

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/C.3/51/L.26)

Draft resolution A/C.3/51/L.26 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

61. The CHAIRMAN announced that the draft resolution had no programme budget implications and that a recorded vote had been requested.

62. Mr. BIGGAR (Ireland), speaking on behalf of the European Union in explanation of vote before the voting, said that the European Union condemned unequivocally the recruitment, use or financing of mercenaries and understood the concerns, in particular those of the African countries, which had led to the submission of the draft resolution. However, it felt that the report of the Special Rapporteur of the Commission on Human Rights (A/51/392) touched on a number of issues which were extraneous to his mandate and that mercenary activities could best be dealt with as a criminal matter. In that context, the request that the Centre for Human Rights address those activities did not appear justified, especially given the paucity of resources available for other, more pressing, human rights activities. The European Union therefore would not vote in favour of the draft resolution.

63. Mr. OTUYELU (Nigeria) asked why his delegation, as the sponsor of the draft resolution, had not been given the opportunity to take the floor. He recalled that delegations submitting draft resolutions were generally invited to address the Committee before it heard statements from other speakers. He regretted that, in the case of Nigeria, the usual procedure had not been followed.

64. Mr. AGGREY (Ghana) agreed that the manner of the draft resolution's presentation constituted a deviation from the usual procedure.

65. The CHAIRMAN said that she had not been aware that the representative of Nigeria wished to take the floor. The Committee had taken action on a number of draft resolutions at the current meeting and the procedure followed had been the same in each case. If the representative of Nigeria wished to address the Committee, he should do so now.

66. Mr. OTUYELU (Nigeria) said that paragraph 1 of the draft resolution should be revised to read:

> "1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries and mercenary-related activities to topple sovereign Governments and to undermine and violate the human rights of peoples and impede their exercise of the right to self-determination despite resolution 50/138;".

He then read out a number of minor revisions and announced that the sponsors had been joined by Egypt, Ethiopia, India, Liberia and Niger.

67. The CHAIRMAN noted that Afghanistan, Algeria, Cuba, Ghana, Kenya, Togo, Uganda and Viet Nam also wished to become sponsors.

68. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, expressed concern that the revision to paragraph 1 appeared to confuse the concepts of human rights and the rights of peoples.

69. A recorded vote was taken on draft resolution A/C.3/51/L.26, as orally revised.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Australia, Belarus, Bosnia and Herzegovina, Bulgaria, Congo, Croatia, Cyprus, Czech Republic, Estonia, France, Georgia, Greece, Ireland, Israel, Kazakstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan.

70. Draft resolution A/C.3/51/L.26, as orally revised, was adopted by 96 votes to 17, with 37 abstentions.

71. Mr. OTUYELU (Nigeria) welcomed the adoption of the draft resolution but regretted that, as the sponsor, his delegation had not been given the opportunity to take the floor before statements were heard from other delegations. There was no doubt that, for some reason, the usual procedure had not been followed.

72. The CHAIRMAN said that the concerns of the representative of Nigeria were unfounded and his allegations uncalled for.

The meeting rose at 5.30 p.m.